

EXHIBIT 13



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April 21, 2020

CONFIDENTIAL AND EXEMPT FROM PUBLIC DISCLOSURE
Fed. R. Crim. P. 6 and 5 U.S.C. § 552, *et seq.*

Via Email

Jessica Greenwood
Samuel Raymond
Assistant U.S. Attorneys
Southern District of New York
The Silvio J. Mollo Building
One St. Andrew's Plaza
New York, NY 10007

Re: Grand Jury Subpoenas to [REDACTED]

Dear Ms. Greenwood and Mr. Raymond:

On behalf of [REDACTED], we write in response to your Grand Jury Subpoenas issued on March 5, 2020, and March 26, 2020. [REDACTED] is producing a number of documents in response to these subpoenas, which are Bates numbered CB-BTMX-000001 through -289. You may access these records at the [REDACTED] [REDACTED] through SendSafely via the following shortened website link: [REDACTED]. And enclosed with this letter you will find a custodian of records declaration.

With respect to this production, please note that we intentionally de-duplicated records in order to avoid multiple records reflecting parts of the same sequential chain of communications. Please let us know if you have any questions or concerns with respect to this de-duplication.

Moreover, there were a small selection of records withheld due to attorney-client privilege. As we previously discussed, I will let you know in the next several days if the facts contained in the withheld records are otherwise contained

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in the produced records --- if so, I hope that will resolve any issues with respect to the privileged records; if not, please let me know when you are available to discuss a reasonable way to address the records. As to the produced records, they do not constitute a waiver of the attorney-client privilege, attorney work product doctrine, or any other applicable privilege or protection. [REDACTED] explicitly preserves these privileges, and any production of privileged records is unintentional. In the event of any inadvertent production of privileged records, please notify me so that we may discuss the material's return or destruction.

In connection with this, and any other, production of documents pursuant to these subpoenas, we would also like to emphasize two important issues:

1. **Rule 6 Non-Disclosure.** We are providing the production of records with the understanding that the records will be accorded the full secrecy and non-disclosure protections required by Federal Rule of Criminal Procedure 6, including subprovisions (e)(2) and (e)(6).

2. **Exemptions Under FOIA.** The records provided by [REDACTED] in response to these subpoenas are exempted from disclosure under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* The records enjoy disclosure protection from multiple exemptions, including but not limited to "Exemption 3" in that Rule 6 prohibits disclosure of the records, *see* 5 U.S.C. § 552(b)(3), "Exemption 6" in that disclosure of certain personal information would constitute an invasion of privacy, *see* 5 U.S.C. § 552(b)(6), and "Exemption 7" in that the documents contain and constitute investigatory records obtained in connection with an actual or potential law enforcement proceeding and compiled for law enforcement purposes, *see* 5 U.S.C. § 552(b)(7).

Accordingly, we request and expect that, consistent with Justice Department policy, the information contained in this letter and its enclosures, will be kept in a non-public file and clearly marked as containing confidential Grand Jury information, and that all third parties will be denied access to the file subject to express permission of the applicable statutes.

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Should the Justice Department receive any request for production, examination, or disclosure of the documents produced herewith, either pursuant to FOIA or otherwise in any subsequent criminal or civil litigation, we understand and expect that undersigned counsel, on behalf of [REDACTED], will be given an opportunity to object to such production, examination, or disclosure. Likewise, should the Justice Department be inclined to disclose the documents to any third party, it is our expectation and request that the undersigned be given advance notice of any such decision to enable [REDACTED], to pursue any available remedies.

Please let me know if you have any questions. Thank you.

Best regards,

[REDACTED]

Enclosure

cc: SA Elizabeth Kurdika (via email)
SA Todd McGee (via email)

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Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is [REDACTED]
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena dated March 5, 2020 and signed by Assistant United States Attorney Jessica Greenwood requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 2020
(date)

[REDACTED]
(signature)

[REDACTED]
(name and title of declarant)

[REDACTED]
(name of business)

[REDACTED]
(business address)

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

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